

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

And

NATURAL RESOURCES DEFENSE
COUNCIL, INC. AND SIERRA CLUB,

Intervenor-Plaintiffs,

v.

DTE ENERGY COMPANY AND
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

**PLAINTIFF'S UNITED STATES' OPPOSITION
TO DEFENDANTS' MOTION TO COMPEL**

APPENDIX A

List of Exhibits

Exhibit No.	Description
1	June 22, 2004 Declaration of David W. Schnare Regarding Production of Electronic Documents From EPA Collections, filed as Exhibit B to United States' Opposition to Defendants' Motion to Compel Production of Electronic Information, <i>United States v. Cinergy Corp.</i> , No. IP99-1693 (S.D. Ind.)
2	April 22, 2011 Declaration of Bethanne Walinskas
Attachment A	Bates Number Prefix List for documents produced on external hard drive directories EPA, IL-EPA and APC

Exhibit No.	Description
Attachment B	July 2000 First Production Index of Documents for U.S. EPA's Office of Air Quality, Planning and Standards (OAPQS)
Attachment C	July 2000 First Production Index of Documents for U.S. EPA's Office of Enforcement and Compliance Assurance (OECA) and Office of General Counsel (OGC)
Attachment D	July 2000 First Production Index of Documents for U.S. EPA Region 3
Attachment E	July 2000 First Production Index of Documents for U.S. EPA Region 4
Attachment F	July 2000 First Production Index of Documents for U.S. EPA Region 5
Attachment G	Declarations from U.S. EPA Headquarters and Regions 1-10 employees regarding Second Round Production
Attachment H	Bates Numbering Key for FRC Directory on external hard drive produced to DTE Energy
Attachment I	September 20, 2004 Memo to U.S. EPA employees re: Protocol for Stage 2 of Court-Ordered Electronic Production conducted in <i>United States v. Cinergy Corp.</i> , No. IP99-1693 (S.D. Ind.)
Attachment J	United States' Response to Defendants' Request for Production of EPA Shared Electronic Systems served on parties in <i>United States v. Cinergy Corp.</i> , No. IP99-1693 (S.D. Ind.) (July 10, 2004)
Attachment K	Index of Bates Prefixes for documents on CINELP Directory on external hard drive produced to DTE
Attachment L	April 15, 2011 E-mail from K. Furrie to B. Rosser, M. Bierbower & P. Johnson attaching list of owners/custodians for documents produced by United States
3	April 22, 2011 Declaration of Mark J. Palermo
4	Excerpts from transcript to January 19, 2011 hearing on Plaintiff's Motion for Preliminary Injunction, <i>United States v. DTE Energy Co.</i> , CA No. 10-13101 (E.D. Mich.)
5	Transcript to February 22, 2011 Telephonic Conference, <i>United States v. DTE Energy Co.</i> , CA No. 10-13101 (E.D. Mich.)
6	Order granting Motion for Admission Pro Hac Vice of Mark B. Bierbower as counsel for Duke Energy Corp. filed in <i>United States v. Duke Energy Corp.</i> , No. 1:00-cv-1262 (M.D.N.C.) (July 5, 2001)

Exhibit No.	Description
7	Order granting Motion for Admission Pro Hac Vice of Mark B. Bierbower, F. William Brownell, Makram B. Jaber, Kevin L. Fast and Craig S. Harrison as counsel for Ohio Edison Co. filed in <i>United States v. Ohio Edison Co.</i> , No. C2-99-1181 (S.D. Ohio)
8	List of attorneys entering appearance in <i>United States v. East Kentucky Power Coop., Inc.</i> , 5:04-cv-00034-KSF (E.D. Ky.)
9	Transmittal letters between M. Bierbower and P. Brooks and B. Walinskas of U.S. DOJ re: inadvertent production of documents on external hard drive produced by United States
10	Unopposed Motion for Extension of Deadlines filed by United States in <i>Duke Energy Corp.</i> , No. 1:00-cv-1262 (M.D.N.C.) (Dec. 3, 2001)
11	United States' Motion Status Report Pursuant to Entry of July 22, 2004 (Dkt. 213) filed in <i>United States v. Cinergy Corp.</i> , No. IP99-1693 (S.D. Ind.) (Aug. 9, 2004)